

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DIVINE MILL MUSIC, *et al.*,

Plaintiffs,

v.

BLACKMON'S, INC., *et al.*,

Defendants.

Case No. 08-cv-501-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the plaintiffs' notice of dismissal without prejudice of all claims against defendant Herbert Blackmon pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (Doc. 16). Rule 41(a)(1)(A)(i) allows dismissal of an action, that is, all claims against a defendant, by a plaintiff without a court order at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs. Defendant Herbert Blackmon has not filed an answer or motion for summary judgment in this case. Because the plaintiffs have an absolute right to dismiss this case at the present time, the Court finds that all claims in this case against defendant Herbert Blackmon are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: August 27, 2008

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**